REMARKS/ARGUMENTS

This paper is in response to the third Office action following Applicants' request for continued examination, and sixth Office action overall. The unmitigated efforts to inhibit allowance of this case are especially troubling considering there have been no amendments to the claims in response to the last two Office actions and the proposed obviousness combinations presented by in the latest Office action are similarly flawed and raise no new substantive issues of patentability. Applicants respectfully request all claims be allowed.

The Examiner conceded in the previous Office action that yet another proposed combination of references (i.e., Eder and Abraham) does not meet the limitations of any of the pending claims. Instead of allowing the claims, the Examiner has attempted to raise another proposed combination of references. The latest combination presents nothing new to the series of previously flawed combinations. Rather than conceding the patentability of the claims, the Examiner attempts again to cobble together another inapplicable and non-analogous reference with Eder to try to meet the limitations of the pending claims. The "plug-and-play" method that is being employed to inhibit allowance of the pending claims is improper and smacks of classic hindsight. Not only is the latest reference, US Patent No. 6,944,777 of Belani ("Belani"), in an unrelated and non-analogous field of art, it actually teaches the opposite of the claim limitation that it is alleged to meet.

The present response incorporates by reference all prior responses as to the deficiencies of Eder, and will focus on the proposed combinations using the Belani reference.

The Examiner argues that Belani constitutes prior art with respect to limitations of the pending claims that relate to authorizing a user to alter one or more variables based on a level of authorization of the user and a level of the hierarchy in which assumed variables are

positioned, wherein different levels of authorization have access to different levels of assumed variables.

However, a careful reading shows that Belani and the claimed invention deal with entirely different subject matter, and entirely different methods of authorization. In particular, the claimed invention describes an entirely different sort of hierarchy that works in exactly the opposite way to the methods described in Belani.

Claims 1-5, 8, 9, 11, 14-18, 21 and 22 each include limitations relating to a system or method for analyzing a business enterprise's performance in creating value, which implements a data structure including hierarchy of assumed variables, where a user can alter an assumed variable based on a level of authorization of the user and the level of the assumed variable.[1] The Examiner concedes that Eder does not disclose a model that allows different levels of users to alter different levels of assumed variables. To meet this limitation, the Examiner now cites Belani.[2]

Applicants respectfully assert that the claims are patentable over the proposed combination because Belani does not disclose the ability to alter "assumed variables" based the level of a user *and a level of the assumed variables in a hierarchy* of a data structure,

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[1] See, for example, the following limitations ("authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables" – Independent claim 1; "authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables" – Independent claim 5; "means for authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables" – Independent claim 14; "authorizing a plurality of users to alter selected ones of the events and selected ones of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization provide access to different levels of assumed variables" – Independent claim 18

[2] The Examiner previously cited Wang, and then Abraham, in an attempt to fill this hole. This type of hindsight analysis is improper.

where variables at lower levels affect variables at higher levels. Because Belani and Eder fail to disclose this limitation, the proposed combination cannot satisfy all limitations of any of claims 1-5, 8, 9, 11, 14-18, 21 and 22.

Belani deals with access to computer resources in a multi-domain distributed computing network – not assumed variables.[3] For instance, Belani is concerned with determining whether User A resident at location Z should have access to resource M on a different computer located in location Y. Belani defines resources as "information resources such as databases, files, etc. or operational resources such as devices or processes." (Belani, col. 2, lines 15-18.) Belani describes methods by which users may be authorized to perform operations on a resource, such as read, write, publish, subscribe, edit, delete, update, etc. (Belani, col. 7, lines 8-9.) Resources may configured in a hierarchical relationship, such as a parent-child relationship, in which child resources at a lower level of a hierarchy inherit the access list information of a parent at a higher level of a hierarchy. (Belani, col. 8.) In other words, users who are authorized to perform operations on a parent resource (at a higher level in the hierarchy) may also perform operations on a child of that parent (at a lower level in the hierarchy), since the child resource inherits the access control lists of its parent. Users may also be organized in a hierarchy in which users are assigned to one or more groups. As Belani explains, "Generally, according to the present invention, a user inherits access permissions of its ancestor which may be other users or groups of users." (Belani, col. 9, lines 53-55).

The claimed invention does not deal with access to resources in a multi-domain distributed computing network. Rather, it deals with methods for measuring the value streams of a business enterprise, based on events and assumed variables. Belani makes no

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[3] In this sense, Belani is no different that Wang and fails for the same reasons.

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references to events or assumed variables in a data structure. It is not credible to read Belani's definition of resources to refer to assumed variables in a data structure.

In claimed invention, the events and assumed variables are organized in data structure, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy. The relationship of variables in the claimed hierarchy is exactly the opposite of the parent-child inheritance relationship described in Belani. In the claimed invention, the lower-level assumed variables influence the higher-level assumed variables, whereas in Belani, the lower-level child resources inherit the access control lists of the higher-level parent resources.

In the claimed invention, users are authorized to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned. For example, the level of the hierarchy may relate in part to levels of detail: users authorized to alter variables at a higher level in the hierarchy (less detailed) are not authorized to alter variables at a lower level (more detailed). For instance, a user authorized to alter variables at a higher level in the hierarchy, relating for example to value streams calculated for an entire country, such as the United States, would not necessarily be authorized to alter variables at lower level of the hierarchy, relating for example to value streams calculated for the states of Washington and Oregon. Again, this is the opposite of the inheritance model for accessing resources in a multi-domain distributed computing network as described in Belani.

Just like the previous prior art references that the Examiner already conceded could *not* be combined with Eder to render the claims obvious (i.e., Abraham and Wang), there is nothing in Belani which relates to events and assumed variables in a data structure. There

is nothing in Belani which is relevant to providing different levels of access to different sub-components of a resource, such as events and assumed variables within the data structure. A database falls within Belani's definition of a resource. However, Belani does not describe methods by which User A is authorized to access certain variables in database N, whereas user B is authorized to access other variables in database N. Even if, *assuming arguendo*, Belani's definition of resource could be considered to apply to variables in a data structure, the claimed methods control access of users to a hierarchy of assumed variables work in a way that is *precisely opposite* to the parent-child inheritance model described in Belani. The proposed combination simply cannot meet all limitations of any pending claim.

Finally, the Examiner has failed to point to any substantial evidence of record of a motivation to combine the references in the proposed manner. The references deal with entirely different concepts and are in non-analogous fields of art. On this basis alone, all rejections must be overturned.

For these reasons, the proposed combination cannot render obvious any of claims 1-5, 8, 9, 11, 14-18, 21 and 22. Applicants respectfully request that these claims be allowed without further delay.

Claims 10, 12 and 13

Similar to the other independent claims, independent claim 10 includes a limitation regarding the authorization of different levels of users to interact with the data structure. Particularly, claim 10 includes a limitation of selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feedback. The real-time feedback is stored in a data structure and is used along with the assumed variables to determine an outcome for the value stream of the business enterprise. Belani does not disclose the limitation of authorizing certain levels

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of users to enter real-time feedback into a data structure that is used to determine an outcome

for the value stream of a business enterprise. Nowhere in Belani is there any mention of real-

time feedback, or any mention of a model for analyzing a business enterprise's capability in

creating value.

The resources in Belani are not arranged in a data structure used to determine

outcomes of a value stream of a business enterprise. Therefore, accessing these resources

based on an authorization level is not equivalent to entering real-time feedback into a

business analysis model based on an authorization level. And again, the access scheme used

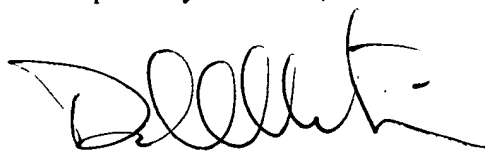in Belani is the opposite of the claimed invention.

CONCLUSIONS

Applicants' invention is both novel and nonobvious over Eder and Belani for all of the various reasons set forth above and for the reasons discussed in prior office action responses and amendments. Eder and Belani do not teach each and every element of any of Applicants' claimed inventions.

For all of these reasons, Applicants respectfully assert that all of claims 1-5, 8-18, 21 and 22 are in condition for allowance. The Examiner's early reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact Applicants' attorney at the following address or telephone number:

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